

The Supreme Court of South Carolina

Michael E. Hamm, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001052

ORDER

This matter is before the Court pursuant to a notice of appeal from a Form 4 order dismissing petitioner's application for post-conviction relief (PCR). The order was filed on October 29, 2015 and indicates it was mailed to counsel for petitioner on that date. The notice of appeal states counsel for petitioner was "made aware" on April 12, 2016, that the Form 4 order was the final order. The notice of appeal was served on May 5, 2016. Counsel for petitioner was asked to provide a written statement regarding the date on which he received written notice of entry of the Form 4 order. Counsel reiterated the information contained in the notice of appeal.

While we express no opinion on the propriety of the circuit court's use of a Form 4 order in this case, it clearly indicated it was the court's final decision, it ended the case, and there would be no formal order to follow. Because counsel for petitioner has failed to show the notice of appeal was served within thirty days after receipt of written notice of the Form 4 order, the appeal is dismissed. Rules 203(b)(1) and 243(c), SCACR; Hill v. S.C. Dep't of Health & Env't'l Control, 389 S.C. 1, 698 S.E.2d 612 (2010)(timely service of the notice of appeal is a jurisdictional requirement and time for service may not be extended by this Court).



C.J.

FOR THE COURT

Columbia, South Carolina

August 11, 2016

cc: Rodney Duane Davis, Esquire
James Clayton Mitchell, III, Esquire
Michael E. Hamm